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KXMC. Under these conditions, the Bureau was justified in denying the extension request.

4. Reiten argues that the Bureau failed to give sufficient notice that it would admonish parties who failed to meet the DTV construction deadline. Admonishment is not an unusual or excessively punitive remedy, but rather is a penalty regularly imposed in a variety of contexts for failure to abide by Commission requirements.¹ In this context, Reiten failed to comply with a Commission imposed build-out requirement. Its apparent expectation that it would be permitted to do so without ramifications was baseless and mistaken. As a result, Reiten's contention that it was denied "due process" when it received an admonishment for failure to comply with the build-out requirement is without merit. Reiten should note, however, that if it continues to miss deadlines imposed by the Commission on its DTV build-out, it will be subject to additional sanctions.

5. Finally, Reiten argues that similarly situated parties were not given similar treatment. Reiten contends that other stations in the same market that operate satellite networks similar to Reiten's were granted extensions, including two other stations in Reiten's own satellite network. Unlike the situation with its stations that received extensions, Reiten had not even finalized an agreement that it would be able to use its proposed tower as late as July 2002. This created a level of uncertainty that undermined any claims Reiten made regarding completion of the station. We, therefore, reject Reiten's contention that it was treated differently than similarly situated parties.

6. ACCORDINGLY, IT IS ORDERED, THAT the petition for reconsideration filed by Reiten Television, Inc., seeking reconsideration of the Bureau's letter of June 3, 2002, which denied Reiten's request for an extension of time to construct the digital facilities for KXMC-DT and admonished Reiten for failure to meet the May 1, 2002, construction deadline for digital television facilities IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

W. Kenneth Ferree
Chief, Media Bureau

¹ See, e.g., *Davidson County Broadcasting*, 12 FCC Rcd 3375 (1997)(failure to comply with EEO rules); *Rainbow Broadcasting*, 14 FCC Rcd 11099 (1999)(failure to obtain Commission consent prior to replacing authorized antenna); *Black Media Broadcasting*, 16 FCC Rcd 3374 (2001)(broadcast of commercials on noncommercial station).